

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN

Court of Appeals No. 312007

Plaintiff-Appellee

Lower Court No. 11-4979FC

-vs-

BARBARA JEAN MERCER

Defendant-Appellant.

JACKSON COUNTY PROSECUTOR

Attorney for Plaintiff-Appellee

CHARI K. GROVE (P25812)

Attorney for Defendant-Appellant

STIPULATION WITHDRAWING MOTION TO REMAND

IT IS HEREBY STIPULATED AND AGREED TO by and between the parties hereto that the Motion to Remand in the above entitled cause be **withdrawn** for the following reasons:

Prior to sentencing, defense counsel argued a "Motion for Relief from Judgment" and requested that the jurors be interviewed because some of the jurors had indicated, during the post-verdict interview, that they were watching TV coverage of the trial during trial.

In post-conviction proceedings, Defendant filed a motion to disclose the contact information for the jurors, which was granted by the trial court, and a motion to remand was filed, which appellate counsel requested this Court hold in abeyance.

The investigator for the State Appellate Defender Office contacted all 12 jurors and, based on their responses, there is no longer a necessity for a hearing on this issue at this time. Accordingly, appellate counsel and the appellate prosecutor stipulate that the Motion to Remand should be withdrawn.

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**STATE APPELLATE DEFENDER
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Dated: May 21, 2013

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BY: *Jerrold Schrottenboer*
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Dated: 5/23/13

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